

Memorandum



TO: Government Oversight Committee
FROM: William P. Angrick II
RE: Ethics and Campaign Disclosure Board referral regarding
Dallas County Soil and Water Conservation District.
Date: January 24, 2006

County Soil and Water Conservation Districts

Statutory authority: Chapter 161A of the Iowa Code established the Soil Conservation Division (Division) within the Iowa Department of Agriculture (IDALS). The Division provides technical, financial and educational assistance to the County Soil and Water Conservation Districts (SWCD) described in section 161A.5.

Section 161A.7, Powers of [SWCD] Districts and Commissioners, states: "To make available on such terms as it shall prescribe, to landowners or occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, lime, and such other material or equipment as will assist such landowners or occupiers to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion and for the prevention of erosion, floodwater, and sediment damages."

Allegations:

1. IDALS employees are assisting SWCD's in competing with private businesses.
2. SWCD's are responsible for dispensing state and federal monies for erosion control projects, as well as approving the finished project. SWCD's are unfairly profiting at the expense of small businesses by furnishing labor, machinery and seed and other materials financed with these state and federal monies.

County Conservation Boards

Statutory Authority: Chapter 350 of the Iowa Code. Section 350.4, Powers and Duties, states: "The county conservation board shall have the custody, control and management of all real and personal property heretofore or hereafter acquired by the county for public museums, parks preserves, parkways, playgrounds, recreation centers, county forests, county wildlife areas, and other county conservation and recreation purposes...." (Emphasis added.)

Allegation: County Conservation Boards are engaging in activities that are not within the Board's statutory authority. In addition, these activities unlawfully [Chapter 23A of the Iowa Code, Noncompetition by Government] compete with private business. For example:

1. County Conservation Boards are providing county labor, material and/or equipment to private property owners for use on private property.
2. Non-profit groups are storing equipment and materials on property owned by the County Conservation Board. The County Conservation Board then assists in dispensing/renting and advertising the material and equipment owned by the non-profit group(s) to private land owners for use on private land.

Monies may or may not be exchanged in these aforementioned activities.

Small businesses worked with Senator James Hahn last year to draft legislation, SF 180, to modify Chapter 161A and Chapter 350. Representative Rod Roberts, with some assistance from the Iowa Citizens' Aide/Ombudsman office, also requested an Iowa Attorney General's opinion regarding the authority of County Conservation Boards. The Iowa Attorney General's office declined to issue an opinion because such a determination would require resolution of issues of fact.